

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

THOMAS MCHENRY,

Defendant.

4:23-CR-3024

PRELIMINARY ORDER OF
FORFEITURE

This matter is before the Court on the plaintiff's Motion for Issuance of Preliminary Order of Forfeiture ([filing 44](#)). The indictment in this case ([filing 1](#)) charged the defendant with a violation of 18 U.S.C. §§ 922(g)(1) and 924(a)(8). The indictment ([filing 1](#)) also contained a forfeiture allegation seeking the forfeiture, pursuant to § 924(d) and 28 U.S.C. § 2461, of the following firearms seized from the defendant on or about October 22, 2022, on the basis that they were involved in or used in the knowing commission of the crime charged:

- a Remington 7400 30-06 rifle;
- two Iver Johnsons Arms & Cycle Works revolvers;
- a Hopkins & Allen Arms Co. Revolver;
- a Marlin 75C .22 rifle;
- a Marlin 25N .22 rifle;
- a Traditions by Fausti 12 gauge double barrel shotgun;
- three 20 round boxes of 270WIN ammunition;
- two boxes of 12-gauge shotgun shells;
- three 50 round boxes of Blazer .22 ammunition; and

- Multiple rounds of 270WIN ammunition, .22 ammunition, 12-gauge shotgun shells, loaded magazines for a 30-06 rifle, and multiple rounds of 30-06 SPRG ammunition.

[Filing 1 at 2-3](#). The defendant has pled guilty to the crime alleged and admitted the forfeiture allegation. [Filing 45 at 14](#). By virtue of pleading guilty to the charge and admitting the forfeiture allegation, the defendant has forfeited his interest in the property, and the plaintiff should be entitled to possession of the property pursuant to [21 U.S.C. § 853](#). Therefore, the plaintiff's motion for preliminary order of forfeiture is granted.

IT IS ORDERED:

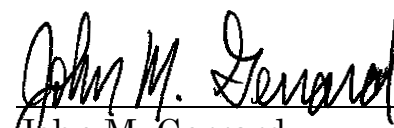
1. The plaintiff's Motion for Issuance of Preliminary Order of Forfeiture ([filing 44](#)) is granted.
2. Based upon the defendant's guilty plea and admission of the forfeiture allegation of the indictment, the plaintiff is authorized to seize the Remington 7400 30-06 rifle; Iver Johnsons Arms & Cycle Works revolvers; Hopkins & Allen Arms Co. Revolver; Marlin 75C .22 rifle; Marlin 25N .22 rifle; Traditions by Fausti 12 gauge double barrel shotgun; 20 round boxes of 270WIN ammunition; boxes of 12-gauge shotgun shells; 50 round boxes of Blazer .22 ammunition; rounds of 270WIN ammunition, .22 ammunition, 12-gauge shotgun shells, loaded magazines for a 30-06 rifle, and rounds of 30-06 SPRG ammunition.

3. The defendant's interests in the property are forfeited to the plaintiff for disposition in accordance with law, subject to the provisions of [18 U.S.C. § 924\(d\)](#), [21 U.S.C. § 853](#), and [28 U.S.C. § 2461\(c\)](#).
4. The property is to be held by the plaintiff in its secure custody and control.
5. Pursuant to [21 U.S.C. § 853\(n\)\(1\)](#), the plaintiff shall publish for at least 30 consecutive days on an official Internet government forfeiture site (www.forfeiture.gov) notice of this order, notice of publication evidencing the plaintiff's intent to dispose of the property in such manner as the Attorney General may direct, and notice that any person, other than the defendant, having or claiming a legal interest in the property must file a petition with the Court within 30 days of the final publication of notice or of receipt of actual notice, whichever is earlier.
6. Such published notice shall state that the petition referred to in paragraph 5, above, shall be for a hearing to adjudicate the validity of the petitioner's alleged interest in the property, shall be signed by the petitioner under penalty of perjury, and shall set forth the nature and extent of the petitioner's right, title, or interest in the property and any additional facts supporting the petitioner's claim and relief sought.

7. The plaintiff may also, to the extent practicable, provide direct written notice to any person known to have alleged an interest in the property as a substitute for published notice as to those persons so notified.
8. Upon adjudication of all third-party interests, this Court will enter a final order of forfeiture pursuant to [21 U.S.C. § 853\(n\)](#), in which all interests will be addressed.

Dated this 29th day of December, 2023.

BY THE COURT:

A handwritten signature in black ink, appearing to read "John M. Gerrard", is written over a horizontal line.

John M. Gerrard
Senior United States District Judge